APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,945	08/31/2001	David Matthew Chakmakian	RPS920010057US1	2063

			EXAMINER
45503	7590	04/08/2005	SCHLAIFER, JONATHAN D

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 December 2004</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,5-8,12-15 and 19-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,5-8,12-15 and 19-29</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>12 February 2002</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to an Amendment to Application 09/943,945 filed 12/06/2004.

2. Claims 1, 5-8, 12-15, 19-29 are pending in the case. Claims 2-4, 9-11, and 16-18 are cancelled claims. Claims 1, 8, and 15 are independent claims. Claims 22-29 are new claims.

3. The objections to claims 8, 12-15, and 19-21 are withdrawn as necessitated by amendment.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because parts of the drawings are rubbed out. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 5-8, and 12-15, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nogami et al. (USPN 4,962,452—filing date 8/23/1989), hereinafter Nogami.**

6. **Regarding independent claim 1,** Nogami discloses a method for preparing reviewable translations of comment text contained within a data processing system instruction data structure that further includes program code items (Abstract, lines 1-20, this is the purpose of Nogami's invention; Nogami can handle arbitrary languages, which encompasses program code), comprising: identifying one or more comment text items within a data processing system instruction data structure(see line 6, Abstract); copying each of the one or more comment text items from the data processing system instruction data structure to a comment text data structure in which the copied comment text items are isolated from the program code items; (see line 6, Abstract; a data structure is inherent to this process); translating each of the one or more comment text items within the comment text data structure into a corresponding one or more translated text items (see lines 10-15, Abstract, the processing would inherently occur in such a manner); combining each of the one or more translated text items and each of the one or more comment text items within a combined text data structure(see lines 10-15, Abstract, the data structure would be inherent); and arranging each of the one or more translated text items within the combined text data structure in logical proximity to a corresponding comment text item, from which corresponding comment text item the translated text item was translated(see lines 15-20, Abstract, the comments are reinserted and marked).

7. **Regarding dependent claim 5,** Nogami discloses that the combining step further is followed by modifying the one or more translated text items in the combined text data structure responsive to user input (in the Abstract, lines 10-15, the translated text items

are changed into a translated version, and in col. 2, lines 35-45, they are marked up, in

Figure 4, the user's input affects the translation).

8. **Regarding dependent claim 6,** Nogami discloses that the combining step further

comprises modifying the one or more translated text items in the translated text data

structure to match the one or more translated text items in the combined text data

structure (in the Abstract, lines 10-15, the translated text items are changed into a

translated version, and in col. 2, lines 35-45, they are marked up).

9. **Regarding dependent claim 7,** Nogami discloses that the data processing system

instruction data structure is a source code file of machine-readable instructions on a

machine-readable medium (Line 1 of the Abstract, it is a machine translation system,

which inherently must operate based on such a file).

10. **Regarding independent claim 8,** it is a system that is analogous to claim 1 and is

rejected in an identical manner.

11. **Regarding dependent claim 12,** it is a system that is analogous to claim 5 and is rejected

in an identical manner.

12. **Regarding dependent claim 13,** it is a system that is analogous to claim 6 and is rejected

in an identical manner.

13. **Regarding dependent claim 14,** it is a system that is analogous to claim 7 and is rejected

in an identical manner.

14. **Regarding independent claim 15,** it is a computer-readable medium that is analogous to

claim 1 and is rejected in an identical manner.

15. **Regarding dependent claim 19,** it is a computer-readable medium that is analogous to claim 5 and is rejected in an identical manner.

16. **Regarding dependent claim 20,** it is a computer-readable medium that is analogous to claim 6 and is rejected in an identical manner.

17. **Regarding dependent claim 21,** it is a computer-readable medium that is analogous to claim 7 and is rejected in an identical manner.

18. **Regarding dependent claim 22,** Nogami discloses that the translating step is followed by combining the one or more translated text items within a translated text data structure. (See Abstract, lines 10-25, the sentences which are translated are stored and processed together, which implies a data structure.)

19. **Regarding dependent claim 23,** Nogami discloses that said identifying step comprises distinguishing between the comment text items and the program code items with the data processing system instruction data set. (Such distinguishing would be inherent and necessary in order to successfully determine what is to be translated and what is not.)

20. **Regarding dependent claim 24,** Nogami disclose displaying each of the one or more translated text items within the combined text data structure in spatial proximity to a a corresponding comment text item, from which corresponding comment text item the translated item was translated (Fig. 3 shows a display which displays the pairs of items and translations pairwise.)

21. **Regarding dependent claim 25,** it is a system that is analogous to claim 22 and is rejected in an identical manner.

22. **Regarding dependent claim 26,** it is a system that is analogous to claim 23 and is rejected in an identical manner.

23. **Regarding dependent claim 27,** it is a system that is analogous to claim 24 and is rejected in an identical manner.

24. **Regarding dependent claim 28,** it is a computer-readable medium that is analogous to claim 22 and is rejected in an identical manner.

25. **Regarding dependent claim 29,** it is a computer-readable medium that is analogous to claim 23 and is rejected in an identical manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

26. **Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nogami, further in view of Kennedy et al. (USPN 6,651,217 B1—filing date 9/1/1999), hereinafter Kennedy.**

27. **Regarding dependent claim 3,** Nogami fails to disclose that the arranging step further comprises arranging each of the one or more translated text items in logical proximity to a name of the data processing system instruction data structure, from which data processing system instruction data structure the corresponding comment text item was copied. However, Kennedy discloses in col. 7, lines 15-30, the correlation of field labels

and arrangements for text items in data structures in order to help give order to the data

structures and facilitate retrieval of items within the data structures. It would have been

obvious to one of ordinary skill in the art at the time of the invention to use field labels

and arrangements for text items in the data structures in Nogami in order to help give

order to the data structure and facilitate retrieval of items within the data structure.

28. **Regarding dependent claim 10,** it is identical to claim 3 and is rejected in an identical

manner.

29. **Regarding dependent claim 17,** it is identical to claim 3 and is rejected in an identical

manner.

30. **Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Nogami, further in view of Kennedy et al. (USPN 6,651,217 B1—filing date

9/1/1999), hereinafter Kennedy.

31. **Regarding dependent claim 4,** Nogami fails to disclose that the arranging step further

comprises arranging each of the one or more translated text items in logical proximity to

a line number of the corresponding comment text item in the data processing system

instruction data structure, from which comment text item the translated text item was

translated. However, Glenn, in col. 4, lines 20-40 discloses the use of line numbers as an

organizational scheme for text items in order to aid in their retrieval and ordered storage.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use line numbers as an organizational scheme for text items in order to aid in their

retrieval and ordered storage in the context of Nogami in the manner of Kennedy.

32. **Regarding dependent claim 11,** it is identical to claim 4 and is rejected in an identical manner.

33. **Regarding dependent claim 18,** it is identical to claim 4 and is rejected in an identical manner.

Response to Arguments

34. Applicant's arguments filed 12/06/2004 have been fully considered but they are not persuasive.

35. The Applicant alleges that the Amendment overcomes the Examiner's art, specifically Nogami. The Examiner respectfully disagrees. One reason that the Applicant cites is that the Applicant's invention is now claimed to include program code as well as comment text. However, the Examiner does not believe that such amendment overcomes Nogami because Nogami is able to be used with an arbitrary language, which could just as well be program code as any other language.

36. Furthermore, the Applicant alleges that Nogami does not teach the use of data structures to hold the comments extracted from the code. However, it would have been inherently necessary to use a data structure of some kind to hold the comments, and therefore the Examiner believes this complaint of the Applicant's to be invalid.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 4,420,817 (filing date 5/23/1980)—Yoshida

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
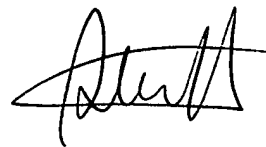
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

STEPHEN HONG
SUPERVISORY PATENT EXAMINER